IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14983 of 2007(H)

PETITIONER:

HOTEL AMRITHA (P) LIMITED,
THYCAUD, THIRUVANANTHAPURAM, REPRESENTED BY ITS DIRECTOR, S.HARI MURALI, S/O.R.SREEDHARA PANICKER, AGED 45, BRINDAVAN, THYCAUD, THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.M.JOSEPH

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
STATE SECRETARIATE, THIRUVANANTHAPURAM.

2. THE COMMERCIAL TAX OFFICER,
CIRCLE II, COMMERCIAL TAXES,THIRUVANANTHAPURAM.

3. THE AGRL.INCOME TAX &
COMMERCIAL TAXES OFFICER, THIRUVANANTHAPURAM.

4. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, THIRUVANANTHAPURAM.

BY SPL. GOVT. PLEADER (TAXES) SRI. GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P(C)No.14983 of 2007

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Dated this the 11th day of May, 2007.

JUDGMENT

Aggrieved by Ext.P1 assessment order, the petitioner has filed Ext.P3 appeal along with Ext.P4, an application seeking stay of further proceedings for the recovery of the amount due under the order of assessment. It is stated that while the petitioner is attempting to get stay petition heard, proceedings have been initiated under the Revenue Recovery Act evidenced by Ext.P5 for the recovery of the tax assessed. In the aforesaid circumstances, this Writ Petition is filed.

2. Taking into account the facts as stated above, I dispose of this Writ Petition directing the fourth respondent -Appellate Authority to consider and pass orders on Ext.P4 application for stay with notice to the petitioner within six weeks from the date of receipt of a copy of this judgment. In the meanwhile, all further proceedings pursuant to Ext.P5 shall be kept in abeyance.

The petitioner is directed to produce a copy of this judgment before the fourth respondent for compliance.

Antony Dominic
Judge.

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